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7 COUNTY OF SAN BENITO and SHERIFF  
8 CURTIS HILL

RECEIVED

JUN 13 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

E-filing

FILED

JUN 14 2005

9 IN THE UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

11 PAUL CASAREZ, ) Case No. C04-03658 HRL  
12 Plaintiffs, )  
13 vs. )  
14 COUNTY OF SAN BENITO AND ) STIPULATION AND ORDER PERMITTING  
15 SHERIFF CURTIS HILL, ) MEDICAL EXAMINATION UNDER FRCP 35  
16 Defendants. )  
17

18 IT IS HEREBY STIPULATED by and through counsel for plaintiff and defendants that  
19 plaintiff PAUL CASAREZ agrees to submit to a physical examination under Federal Rule  
20 of Civil Procedure 35. The medical examination will occur June 21, 2005 at 4:30 p.m. at  
21 the office of Dr. David Burton (board certified orthopedist) at 123 DiSalvo, Suite C, San  
22 Jose, California.

23 Defendant agrees to limit the scope of the examination to whatever conditions  
24 plaintiff has put in controversy in this action.

25 The parties also agree to stipulate that the "good cause" requirement is shown in that  
26 the plaintiff has placed his physical condition in controversy and is claiming continuing and

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///

1 ongoing physical injuries as a result of the acts of the defendants giving rise to this  
2 lawsuit.

3 Dated: May 17, 2005

LAW OFFICES OF MICHAEL E. ADAMS

4  
5  
6 By:  
7

  
MICHAEL E. ADAMS  
Attorney for Plaintiff

8 Dated: May 17, 2005

RANKIN, LANDSNESS, LAHDE,  
9 SERVERIAN & STOCK

10 By:  
11

  
MICHAEL C. SERVERIAN  
12 Attorneys for Defendants

13 **ORDER**

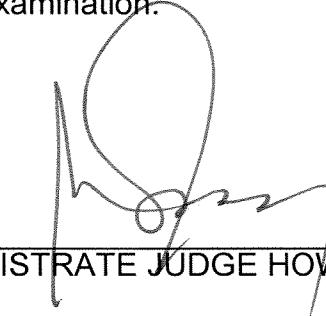
14 GOOD CAUSE APPEARING, IT IS ORDERED that plaintiff Paul Casarez submit to  
15 FRCP 35 physical examination on June 21, 2005 with Dr. David Burton at 123 DiSalvo,  
16 Suite C, San Jose, California. Dr. Burton is a board certified orthopedist.

17 IT IS FURTHER ORDERED that Dr. Burton may ask the plaintiff such questions as  
18 are necessary to reach an opinion about the person's medical condition and the cause of  
19 the alleged injury.

20 The rules of FRCP 35 will apply to this examination.

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DATED: 6/14/05

  
MAGISTRATE JUDGE HOWARD R. LLOYD